

Exhibit “A”

FILED: BRONX COUNTY CLERK 08/05/2021 10:25 AM

NYSCEF DOC. NO. 1

INDEX NO. 810616/2021E

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**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX**

SUMMONS

JULSON FABIEN

Plaintiff, Index No.:

v.

ATLAS VAN LINES, INC. and WELDON SCHEIB

Defendants.

Date Filed:

Plaintiff(s) designate(s)
BRONX COUNTY as
the place of trial.

The basis of venue is:
Plaintiff(s) residence
1956 Powell Ave
Bronx, NY 10472

TO THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to serve upon Plaintiff's attorneys an answer to the complaint in this action within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: New York, New York
August 2, 2021

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Yours, etc.,

THE BARNES FIRM, P.C.



By:

Sean Sasso, Esq.
Attorneys for Plaintiff
420 Lexington Ave., Suite 2140
New York, NY 10170
(800) 800-0000 x565

ATLAS VAN LINES, INC.
1212 St. George Road
Evansville, IN 47711

WELDON SCHEIB
1105 Side Hill Way
Las Vegas, NV 89110

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

JULSON FABIEN

Plaintiff, COMPLAINT

v.

Index No.

ATLAS VAN LINES, INC. and WELDON SCHEIB

Defendants.

Plaintiff JULSON FABIEN, by his attorneys, THE BARNES FIRM, P.C., for his complaint against defendants ATLAS VAN LINES, INC. and WELDON SCHEIB, allege upon information and belief:

1. At all times herein relevant plaintiff JULSON FABIEN, has been a resident of the County of Bronx and State of New York.
2. That at all times hereinafter relevant, defendant, ATLAS VAN LINES, INC., was a foreign business corporation conducting business in New York State.
3. That at all times hereinafter relevant, defendant, ATLAS VAN LINES, INC., was a domestic business corporation conducting business in New York State.
4. That at all times herein relevant, defendant, ATLAS VAN LINES, INC., transacted business with the State of New York and/or contracted anywhere to supply goods or services in the State of New York.
5. That at all times herein relevant, defendant, ATLAS VAN LINES, INC., committed a tortious act with the State of New York.

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6. That at all times herein relevant, defendant, ATLAS VAN LINES, INC., committed a tortious act without the State of New York causing injury to person or property within the State of New York.

7. That at all times herein relevant, defendant, ATLAS VAN LINES, INC., owns, uses or possesses any real property situated with the State of New York.

8. That by virtue of the allegations above, defendant, ATLAS VAN LINES, INC., is subject to the laws of the State of New York pursuant to CPLR 302.

9. At all times herein relevant defendant WELDON SCHEIB, has been a resident of Clark County and State of Nevada.

10. On or about October 13, 2018, plaintiff JULSON FABIEN, was the owner of a certain 2013 BMW bearing State of Pennsylvania license plate number JZR7620.

11. On or about October 13, 2018, defendant ATLAS VAN LINES, INC., was the owner of a certain 2001 International Tractor Trailer bearing State of Iowa license plate number 2103032.

12. On or about October 13, 2018, at approximately 12:30 p.m. plaintiff JULSON FABIEN, operated the vehicle described in paragraph 10 above.

13. On or about October 13, 2018, at approximately 12:30 p.m. defendant WELDON SCHEIB, operated the vehicle described in Paragraph 11 above with the full consent of the owner, defendant ATLAS VAN LINES, INC.

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14. On or about October 13, 2018, at approximately 12:30 p.m. defendant WELDON SCHEIB, operated the vehicle described in Paragraph 11 above with the full knowledge of the owner, defendant ATLAS VAN LINES, INC.

15. On or about October 13, 2018, at approximately 12:30 p.m. defendant WELDON SCHEIB, operated the vehicle described in Paragraph 11 above with the full permission of the owner, defendant ATLAS VAN LINES, INC.

16. Under New York Law, defendant ATLAS VAN LINES, INC., as owner of the motor vehicle, is responsible and liable for the negligent and/or reckless operation of its motor vehicle.

17. On or about October 13, 2018, at approximately 12:30 p.m., plaintiff JULSON FABIEN, operated the vehicle described in Paragraph 10 above eastbound on the Interstate 95 George Washington Bridge in the City of New York, County of New York and State of New York.

18. On or about October 13, 2018, at approximately 12:30 p.m., defendant WELDON SCHEIB, operated the vehicle described in Paragraph 11 above eastbound on the Interstate 95 George Washington Bridge in the City of New York, County of New York and State of New York.

19. On or about October 13, 2018, at approximately 12:30 p.m., the vehicle operated by defendant WELDON SCHEIB, struck the rear of the vehicle being operated by plaintiff JULSON FABIEN eastbound on the Interstate 95 George Washington Bridge in the City of New York, County of New York and State of New York.

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20. As a result of the above referenced incident, Plaintiff JULSON FABIEN was injured.

21. The incident described in Paragraph 19 above occurred as a result of the negligence and/or recklessness of defendants ATLAS VAN LINES, INC. and WELDON SCHEIB, without any negligence attributable in any measure to plaintiff JULSON FABIEN.

22. Plaintiff JULSON FABIEN, has sustained a serious injury, as defined in subsection (d) of section five thousand one hundred two of the New York State Insurance Law.

23. Plaintiff JULSON FABIEN, has sustained economic loss greater than basic economic loss, as defined in subsection (a) of section five thousand one hundred two of the New York State Insurance Law.

24. The limitations on liability set forth in CPLR Article 16 do not apply herein; one or more of the exemptions set forth in CPLR Section 1602 applies.

25. As a result of the negligence and/or recklessness of defendant driver WELDON SCHEIB, for which defendant owner ATLAS VAN LINES, INC., is liable and responsible, as alleged above, plaintiff JULSON FABIEN, was injured and has suffered damages in an amount which exceeds the monetary jurisdictional limits of all lower New York State Courts.

WHEREFORE, Plaintiff JULSON FABIEN, demands judgment against defendants, ATLAS VAN LINES, INC. and WELDON SCHEIB, jointly and severally, in an amount which exceeds the monetary jurisdictional limits of all lower New York State

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Courts and plaintiff JULSON FABIEN, demands such other, further and different relief as the Court may deem just and proper, together with the costs and disbursements of this action.

DATED: New York, New York
August 2, 2021

Yours, etc.,

THE BARNES FIRM, P.C.



By:

Sean Sasso, Esq.
Attorneys for Plaintiff
420 Lexington Ave., Suite 2140
New York, NY 10170
(800) 800-0000 x565

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Index No:

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX**

Julson Fabien,

Plaintiff(s),

-against-

Atlas Van Lines, Inc. and Weldon Scheib

Defendant(s),

Summons and Complaint

THE BARNES FIRM, P.C.

Attorneys for Plaintiff

Office & Post Office Address, Telephone
420 Lexington Avenue, Suite 2140
New York, New York 10170
(800) 800-0000

Service of a copy of the within is hereby

admitted.

Dated: New York, New York

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PLEASE TAKE NOTICE:

NOTICE OF ENTRY

that the within is a (certified) true copy of an Order
duly entered in the office of the clerk of the within named court on

NOTICE OF SETTLEMENT

that an order
presented for settlement to the HON.
within named Court, at
on at
Dated:

of which the w thin is a true copy will be
one of the judges of the

M.

Yours, etc.

THE BARNES FIRM, P.C.

Attorneys for Plaintiff

420 Lexington Avenue, Suite 2140
New York, New York 10170
(800) 800-0000